

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

KYLE T. J. MAYFIELD,

Plaintiff,

Case No. 3:21-cv-286

vs.

STATE OF OHIO, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Michael R. Merz

Defendants.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 14); (2) DISMISSING WITH PREJUDICE PLAINTIFF'S COMPLAINT; (3) DENYING PLAINTIFF'S REQUEST FOR ISSUANCE OF A SUMMONS (DOC. NO. 11); AND (4) TERMINATING THIS CASE ON THE DOCKET

This case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Michael R. Merz (Doc. No. 14), to whom this case was referred under 28 U.S.C. § 636(b). Judge Merz recommended that the Court dismiss with prejudice Plaintiff's complaint under 28 U.S.C. § 1915(e)(2)(B) and that his request for issuance of a summons (Doc. No. 11) be denied. Plaintiff did not object to the Report and Recommendation.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation is **ADOPTED** in full (Doc. No. 14); (2) Plaintiff's complaint is **DISMISSED WITH PREJUDICE**; (3) his request for issuance of a summons is **DENIED**; and (4) this case is **TERMINATED** on the docket.¹

¹ Pursuant to 28 U.S.C. § 1915(a)(3), the Court hereby **CERTIFIES** to the United States Court of Appeals for the Sixth Circuit that an appeal by Plaintiff would be frivolous and not taken in good faith.

IT IS SO ORDERED.

Date: April 18, 2022

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

Consequently, Plaintiff should not be permitted to proceed in forma pauperis on appeal, and the Court **DENIES** Plaintiff a certificate of appealability.